

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Benjamin Heyward,)	C/A No. 6:14-451-JFA-KFM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Clerk of Court, CP/GS Family Court,)	
Charleston County; Julie J. Armstrong, Clerk;)	
John Doe, Prosecutor; and John Doe, Judge,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Benjamin Heyward, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983 alleging a variety of due process and constitutional violations in connection with his state criminal charges for kidnapping and sexual misconduct. He seeks a permanent injunction, medical treatment, and compensatory and punitive damages.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the action is subject to summary dismissal. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

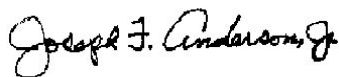
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on February 26, 2014. The plaintiff did not file objections to the Report and the time within which to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

As the Magistrate Judge correctly opines, this action is subject to dismissal because a right of action has not accrued under *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). In addition, defendant Armstrong is immune from suit for her official actions as Clerk of Court for Charleston County; Judge Doe is immune from suit for actions taken in plaintiff's criminal cases; and Prosecutor Doe has prosecutorial immunity for actions taken in plaintiff's criminal cases. Finally, the named defendants are not responsible for plaintiff's medical care while he is incarcerated.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Report and Recommendation is incorporated herein by reference, and this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

March 25, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge